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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,093	04/12/2004	Timothy M. Swager	M0925.70143US00	3154

7590 09/16/2010
Timothy J. Oyer, Ph.D.
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600 Atlantic Avenue
Boston, MA 02210

EXAMINER

METZMAIER, DANIEL S

ART UNIT	PAPER NUMBER
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1796

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09/16/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10823093	4/12/2004	SWAGER ET AL.	M0925.70143US00

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EXAMINER

Daniel S.. Metzmaier

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1796	20100913
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Commissioner for Patents

Please find below and/or attached an Office communication concerning this application or proceeding.

The reply filed on 02 June 2010 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Newly submitted amended claims 32-65, 81 and new claims 136-139 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: See attached DETAILED NON-RESPONSIVE ACTION.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03).

Accordingly, claims 32-65, 81, 127-128 and 136-139 have been withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

See 37 CFR 1.111. Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Encl.: (1) DETAILED NON-RESPONSIVE ACTION,
(2) Notice of Non-Compliant Amendment (37 CFR 1.121).

/Daniel S. Metzmaier/
Primary Examiner, Art Unit 1796